

Application of Cohen et al.  
Application Serial No. 09/316,164  
Attorney Docket No. 5102 P 006  
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Please amend the claims as follows:

Claim 55, line 2, please delete "comprise" and insert therefor --comprises--.

#### **REMARKS**

In the Application, claims 54-55, 61-62, 68-69 and 75-76 have been rejected as anticipated by International Patent Application WO 91/05436. Applicants respectfully traverse the Examiner's rejections for reasons detailed below. The Examiner has also noted that Applicants should add a reference to earlier filed applications and a grammatical error in claim 55. Applicants believe the amendments above correct these informalities. The Examiner has noted that claims 56-60, 63-67, 70-74 and 77-81 are allowable and that claims 39 and 48-53 have been allowed. Therefore, claims 54-55, 61-62, 68-69 and 75-76 are the only claims at issue in this response.

#### **Rejections over International Patent Application No. WO 91/05436**

The Examiner has rejected claims 54-55, 61-62, 68-69 and 75-76 as being anticipated by WO 91/05436 (the '436 application). Applicants respectfully traverse these rejection. Claims 54 and 75 each require, *inter alia*, "at least one of the first records comprising executable program code or an object." The Examiner's position is that the '436 application discloses this limitation at page 2, para. 3. However, Applicants submit that the cited paragraph does not disclose the limitation of "at least one of the first records comprising executable program code or an object." Although the cited paragraph does state that the "data ... may be further acted upon by computer software within the personal computer so that logical decision and actions may be taken by the computer based on the contents of the recovered data" (see '436 application at page 2, para. 30), Applicants submit that the paragraph merely explains, as disclosed in the preferred embodiment of the '436 application at pages 9-11, the function disclosed in the application that many broadcast

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channels may be searched simultaneously and when selected data is found, the receiver will perform a function, such as further processing, display, or used for making logical decision "under the control of software codes stored in the memory." (See '436 application, page 6, final paragraph).

Nowhere in the '436 application is there a disclosure, nor even a suggestion, that the received data *itself* may be "executable program code or an object." As a result, Applicants submit that the subject matter of claims 54 and 75 is not disclosed, nor is it rendered obvious, by the disclosure of the '436 application.

Claims 55 and depends from claim 54 and, therefore, include the limitations of claim 54. As a result, claim 55 is patentable for the same reasons as claim 54. Claims 55 and 76 depend from claims 54 and 75, respectively, and therefore include the limitations of claims 54 and 75. As a result, claims 55 and 76 are patentable for the same reasons as claims 54 and 75.

Claims 61 and 68 each require the limitation of "at least one record comprising executable program code or an object." For the same reasons explicated with respect to claim 54, Applicants submit that the '436 application does not anticipate, nor render obvious, claims 61 or 68 because the '436 does not disclose, nor suggest, "at least one record comprising executable program code or an object." Claims 62 and 69 depend from claims 61 and 68, respectively, and therefore include the limitations of claims 61 and 69. As a result, claims 62 and 69 are patentable for the same reasons as claims 61 and 68.

Claim 61 similarly requires the limitation of "at least one record comprising executable program code or an object." For the same reasons explicated with respect to claims 54, Applicants submit that the '436 application does not anticipate, nor render obvious, claim 61 because the '436 does not disclose, nor suggest, "at least one record comprising executable program code or an object." Claim 62 depends from claim 61 and, therefore, include the limitations of claim 61. As a result, claim 62 is patentable for the same reasons as claim 61.

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### CONCLUSION

For the foregoing reasons, the Applicant respectfully submits that claims 54-55, 61-62, 68-69 and 75-76 are patentable over the prior art of record, and are in condition for allowance. Accordingly, withdrawal of the rejections and allowance of the pending claims is respectfully requested.

Respectfully submitted,

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#### CERTIFICATE OF MAILING

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